

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

EXHIBIT 37

**APPELLEE STATE OF MICHIGAN'S DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**
in connection with Notice of Appeal filed by Lucinda Darrah
[Dkt. #8812]

Item	Date Filed	Docket Number	Description
37	8/21/2014	7094	The Bankruptcy Court Stricken Our Objections From The Record And Never Notified The Creditors, Filed by Creditors Lucinda J. Darrah , Wayne D. Bernard , Tijuana Morris , Dorothea Harris , Ronald Anderson , Barbara Yee , Thelma Milledge , Douglas Yee , Roxanne Watson , Vera C. Magee , Keith M. Hines, Carl Williams and H. Dunn

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED (1)
2014 AUG 21 P 3:24

U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

CARL WILLIAMS AND HASSAN ALEEM
Creditor

v

In re:
CITY OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D. ORR

Chapter 9
Case No. 13-53846
Hon: Steven W. Rhodes

Debtor

**THE BANKRUPTCY COURT STRICKEN OUR OBJECTIONS FROM
THE RECORD AND NEVER NOTIFIED THE CREDITORS**

THE FOURTH AMENDMENT NOTICE WAS AFTER THE FACT, AND THERE WAS NO FIFTH AMENDMENT NOTICE IT WAS UNTIMELY, CONTRARY TO THE FACTS AND LAW MISREPRESENTATION OF THE BANKRUPTCY CODE AND RULES AND HAS
NOT BEEN PRESENTED IN A GOOD FAITH MANNER.

1) We object to the bankruptcy court concealment of the fact that our objections docket No.4691 and item 4392 was stricken and creditors/objectors Carl Williams and Hassan Aleem were not notified or made aware that it had been stricken or a legal justifiable reason why, which denied creditors/objectors an opportunity to appeal or challenge the arbitrary and capricious action of the



bankruptcy court, thus perpetrating fraudulent concealment contravening MCL 600.5855.

It is customary when the court makes a ruling on your objection, pleading, or any motion the court usually contact the person or persons and give them reasons why they made their decisions by a notice, determination, or some kind of letter informing them of the action that has been taken.

2) The reason the bankruptcy court stricken our objection from record so the public could not view is that we prove that (1) that the City of Detroit did not negotiate in good faith prior to the filing of bankruptcy in violation of 11 USC 109(c). The city's position, for example was that they were not going to bargain and did not have to because of P.A. 436. Three Police Officers union challenged the city position and stated that it did not negotiate for collective bargaining. However, in this case the city was more egregious by not negotiating at all.

3) The second reason was that the Plan of Adjustment and disclosure statement are to be taken place before the bankruptcy. The Plan referred to in 109(c) (4) is adjustment plan and disclosure statement negotiated pre-petition in good faith. In re Cotton Water and Sanitation District, Douglas County, Colo., 138B.R.

973, 979 (Bankr. D. Colo 1992). This simply was not done in this present case.

In this objection emphasis was placed on the fact that a municipality should, at the very least, attempt to circulate and obtain approval with respect to an adjustment plan prior to filing for chapter 9, not after the fact as in this case. Because section 1126 (b) of the code applies in chapter 9, a municipality that has reached the adjustment plan to be proposed under 11 Section 941 of the code. In re City of Vallejo, 408 B.R. at 280, 296-97 (9th Cir. B.A.P.2009).

4) The third reason was Magistrate Judge Steven W. Rhodes is not an Article III Judge appointed by the president and approved by congress.

Magistrate Judge Steven W. Rhodes concealed the fact and deceive the people from knowing he was a Magistrate Judge over the age of 70 and had limited powers to address Constitutional issues that were presented at the commencement of this case. The fact that the creditors never consented for Judge Rhodes is a violation of the Magistrate Act 28 USC 831. He also doesn't have the authority to address "public right" and cannot legally rule on "pension benefits" that are protected by the state Constitution because they are reserved to an Article III judge. He therefore, lacks authority because he is not an Article III judge and lacks jurisdiction and has denied the creditors, unions and pension

members the opportunity to a fair adequate hearing. *Goldberg v Kelly* 397 U.S. 254 90 S Ct 1011, 252 citing “The fundamental requisite of due process is the opportunity to be heard.” *Grannis v Ordean*, 234 U.S. 385 394 (1914); The notice and hearing must be “at a meaningful time and in a meaningful manner” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

The court further ruled in the United States Supreme Court in *Northern Pipeline Construction v. Marathon Pipe Line Company* 458 U.S. 50 (1982) that a Article III jurisdiction could not be conferred without the independence and protection given to Article III Judges. Also violated the 5th Amendment procedure due process and 14 Amendment equal protection of the law of the Constitution of the United States.

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Carl Williams

Address 10112 Somerset

City, State, & Zip Detroit Michigan 48227

Dated August 9, 2014

Sign Kent M 21

Address 832 CHALMERS

City, State, & Zip DET, MI 48215

Date 8/8/14

Sign Vera C. Magee

Address 5165 IROQUOIS

City, State, & Zip DETROIT, MI 48213

Date 8-9-14

Sign Barbara Wlat

Address 18424 Curtis

City, State, & Zip Det MI 48219

Date 8/9/14

Sign Douglas Jee

Address 4245 COMMONWEALTH

City, State, & Zip DETROIT MI 48208

Date 8-9-14

Sign Thelma Milledge

Address 15075 APPOLINE ST.

City, State, & Zip Det Mich 48227

Date 8-7-2014

Sign Barbara Ryce

Address 7245 COMMONWEALTH

City, State, & Zip DETROIT MI 48208

Date 8-9-14

Sign RONALD Anderson

Address 16521 E ~~Warren~~ Warren

City, State, & Zip 48224

Date 8-9-14

Sign James H. Namin

Address 20552 HUNTINGTON

City, State, & Zip HARPER WOODS MI 48225

Date 08/09/14

Sign Liguana Morris

Address 14841 Joy Rd

City, State, & Zip Detroit MI 48228

Date 8-9-14

Sign AT Dunn

Address 17225 PARKSIDE

City, State, & Zip Detroit MI 48221

Date 9/AUG/14

Sign Wayne A. Bernard

Address 23650 Wadsworth

City, State, & Zip Detroit, Michigan 48227

Date 8-9-2014

Sign Cindy Danah

Address 4962 Peterboro

City, State, & Zip Detroit, MI 48201

Date 8/9/14

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARL WILLIAMS AND HASSAN ALEEM
Creditor

V

In re:
CITY OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D ORR.
Debtor

Chapter 9
Case No. 13-53846
Hon: Steven W. Rhodes

PROOF OF SERVICES

Carl Williams, being first duly sworn deposes and
your name

Say that on August 19 2014. I sent a copy of the Bankruptcy court stricken
our objections from the record and never notified the creditors, Upon the
concern parties by certified mail at the following address:

City of Detroit
Corporation Council
First National Building
600 Woodward Ave
Detroit, Michigan 48226

Emergency Manager
Kenyn Orr
Coleman A Young Municipal Center
2 Woodward 11th floor
Detroit, Michigan 48226

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Carl J. Williams

Dated August 7, 2014

FILED (I)

2014 AUG 21 P 3:24

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARL WILLIAMS AND HASSAN ALEEM
Creditors/Objectors,

v

In re:
City OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D. ORR

Debtor/City of Detroit

Chapter 9
Case No. 13-53846
Judge Steven W Rhodes

Case No. 14-cv-10434
Hon. Bernard A. Freidman
Magistrate Paul J. Komives

PROOF OF SERVICES

Carl Williams, being first duly sworn deposes and
your name

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Sign Carl Williams

Dated August 21, 2014